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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEREDITH CALLAHAN and LAWRENCE
GEOFFREY ABRAHAM, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

PEOPLECONNECT, INC., a Delaware
Corporation,
Defendant.

Case No.: 3:20-cv-09203-EMC

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE REPLY IN SUPPORT OF
COLLATERAL ESTOPPEL**

Complaint Filed: Dec. 18, 2020

Judge Edward M. Chen

1 Plaintiffs Meredith Callahan and Lawrence Geoffrey Abraham, by and through their
 2 attorneys, respectfully request leave to file a Reply in Support of Collateral Estoppel (“Reply”), a
 3 copy of which is attached hereto.

4 On August 12, Plaintiffs filed an “Opposition to Motion for Leave to File Reply in
 5 Support of Supplemental Memorandum.” ECF No. 68 (“Opp.”). Plaintiffs argued that in light of
 6 the recent decision in *Knapke*, this Court should decline to apply preclusion against either party
 7 with respect to CDA immunity. Opp. at 1-2, *citing Knapke v. PeopleConnect Inc.*, 2:21-cv-
 8 00262-MJP, Dkt. No. 25 (W.D. Wash. filed Aug. 10, 2021). Plaintiffs also argued that
 9 Classmates is precluded from asserting its affirmative defenses of copyright preemption and First
 10 Amendment protection. Opp. at 2.

11 On August 23, Defendant Classmates (owned and operated by PeopleConnect, Inc.) filed
 12 a “Response in Opposition to Plaintiffs’ Collateral Estoppel Claims.” ECF No. 70 (“Response”).
 13 Classmates introduced several new arguments regarding collateral estoppel, including the
 14 argument that the *Knapke* decision is not “sufficiently firm” to have preclusive effect. Response,
 15 at 4 (*citing Luben Industries, Inc. v. United States*, 707 F.2d 1037, 1040 (9th Cir. 1983)).

16 Plaintiffs have not yet had the opportunity to respond to the arguments raised in
 17 Classmates’ Response. The issues are directly relevant to both Parties’ pending requests
 18 regarding collateral estoppel. For these reasons, Plaintiffs respectfully request this Court grant
 19 Plaintiffs the right to file the attached Reply.

20
 21 Dated: August 26, 2021

By: /s/ Michael F. Ram

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